

Calendar No. 675117TH CONGRESS
2^D SESSION**S. 4465****[Report No. 117-276]**

To establish a Countering Weapons of Mass Destruction Office and an Office of Health Security in the Department of Homeland Security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2022

Mr. PETERS (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish a Countering Weapons of Mass Destruction Office and an Office of Health Security in the Department of Homeland Security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE, TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Offices of Countering Weapons of Mass Destruction and
 4 Health Security Act of 2022”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—COUNTERING WEAPONS OF MASS DESTRUCTION
 OFFICE**

Sec. 101. Countering Weapons of Mass Destruction Office.

Sec. 102. Rule of construction.

TITLE II—OFFICE OF HEALTH SECURITY

Sec. 201. Office of Health Security.

Sec. 202. Medical countermeasures program.

Sec. 203. Confidentiality of medical quality assurance records.

Sec. 204. Portability of licensure.

Sec. 205. Technical and conforming amendments.

7 **TITLE I—COUNTERING WEAP-**
 8 **ONS OF MASS DESTRUCTION**
 9 **OFFICE**

10 **SEC. 101. COUNTERING WEAPONS OF MASS DESTRUCTION**
 11 **OFFICE.**

12 (a) **HOMELAND SECURITY ACT OF 2002.**—Title XIX
 13 of the Homeland Security Act of 2002 (6 U.S.C. 590 et
 14 seq.) is amended—

15 (1) in section 1901 (6 U.S.C. 591)—

16 (A) in subsection (c), by amending para-
 17 graphs (1) and (2) to read as follows:

18 “(1) matters and strategies pertaining to—

19 “(A) weapons of mass destruction; and

1 ~~“(B) chemical, biological, radiological, nu-~~
 2 ~~clear, and other related emerging threats; and~~
 3 ~~“(2) coordinating the efforts of the Department~~
 4 ~~to counter—~~

5 ~~“(A) weapons of mass destruction; and~~
 6 ~~“(B) chemical, biological, radiological, nu-~~
 7 ~~clear, and other related emerging threats.”; and~~
 8 ~~(B) by striking subsection (e);~~
 9 ~~(2) by amending section 1921 (6 U.S.C. 591g)~~
 10 to read as follows:

11 **~~“SEC. 1921. MISSION OF THE OFFICE.~~**

12 ~~“The Office shall be responsible for—~~
 13 ~~“(1) coordinating the efforts of the Department~~
 14 ~~to counter—~~
 15 ~~“(A) weapons of mass destruction; and~~
 16 ~~“(B) chemical, biological, radiological, nu-~~
 17 ~~clear, and other related emerging threats; and~~
 18 ~~“(2) enhancing the ability of Federal, State,~~
 19 ~~local, Tribal, and territorial partners to prevent, de-~~
 20 ~~tect, protect against, and mitigate the impacts of at-~~
 21 ~~tacks using—~~
 22 ~~“(A) weapons of mass destruction against~~
 23 ~~the United States; and~~

1 “(B) chemical, biological, radiological, nu-
2 clear, and other related emerging threats
3 against the United States.”;

4 (3) in section 1922 (6 U.S.C. 591h)—

5 (A) by striking subsection (b); and

6 (B) by redesignating subsection (c) as sub-
7 section (b);

8 (4) in section 1923 (6 U.S.C. 592)—

9 (A) by redesignating subsections (a) and
10 (b) as subsections (b) and (d), respectively;

11 (B) by inserting before subsection (b) the
12 following:

13 “(a) OFFICE RESPONSIBILITIES.—

14 “(1) IN GENERAL.—For the purposes of coordi-
15 nating the efforts of the Department to counter
16 weapons of mass destruction and chemical, biologi-
17 cal, radiological, and nuclear threats, the Office
18 shall—

19 (A) provide expertise and guidance to De-
20 partment leadership and components on chem-
21 ical, biological, radiological, and nuclear mat-
22 ters, subject to the research, development, test-
23 ing, and evaluation coordination requirement
24 described in subparagraph (G);

1 “(B) in coordination with the Office for
2 Strategy, Policy, and Plans, lead development
3 of policies and strategies to counter weapons of
4 mass destruction and chemical, biological, radi-
5 ological, and nuclear threats on behalf of the
6 Department;

7 “(C) identify, assess, and prioritize capa-
8 bility gaps relating to the Department’s chem-
9 ical, biological, radiological, and nuclear stra-
10 tegic and mission objectives;

11 “(D) in coordination with the Office of In-
12 telligence and Analysis, support components of
13 the Department, and Federal, State, local,
14 Tribal, and territorial partners, provide intel-
15 ligence and information analysis and reports on
16 weapons of mass destruction and chemical, bio-
17 logical, radiological, nuclear, and other related
18 emerging threats;

19 “(E) in consultation with the Science and
20 Technology Directorate, assess risk to the
21 United States from weapons of mass destruc-
22 tion and chemical, biological, radiological, nu-
23 clear, and other related emerging threats;

24 “(F) lead development and prioritization of
25 Department requirements to counter weapons

1 of mass destruction and chemical, biological, ra-
2 diological, and nuclear threats, subject to the
3 research, development, testing, and evaluation
4 coordination requirement described in subpara-
5 graph (G), which requirements shall be—

6 “(i) developed in coordination with
7 end users; and

8 “(ii) reviewed by the Joint Require-
9 ments Council, as directed by the Sec-
10 retary;

11 “(G) in coordination with the Science and
12 Technology Directorate, direct, fund, and co-
13 ordinate capability development activities to
14 counter weapons of mass destruction and all
15 chemical, biological, radiological, and nuclear
16 research, development, test, and evaluation
17 matters, including research, development, test-
18 ing, and evaluation expertise, threat character-
19 ization, technology maturation, prototyping, and
20 technology transition;

21 “(H) acquire, procure, and deploy counter
22 weapons of mass destruction capabilities, and
23 serve as the lead advisor of the Department on
24 component acquisition, procurement, and de-

1 ployment of counter-weapons of mass destruc-
2 tion capabilities;

3 “(I) in coordination with the Office of
4 Health Security, support components of the De-
5 partment, and Federal, State, local, Tribal, and
6 territorial partners on chemical, biological, radi-
7 ological, and nuclear health matters;

8 “(J) provide chemical, biological, radio-
9 logical, and nuclear expertise to Department
10 and Federal partners to support engagements
11 and efforts with international partners subject
12 to the research, development, testing, and eval-
13 uation coordination requirement under subpara-
14 graph (G); and

15 “(K) carry out any other duties assigned
16 to the Office by the Secretary.

17 “(2) DETECTION AND REPORTING.—For pur-
18 poses of the chemical, biological, radiological, and
19 nuclear detection and reporting responsibilities of
20 the Office, the Office shall—

21 “(A) in coordination with end users, in-
22 cluding State, local, Tribal, and territorial part-
23 ners, as appropriate—

24 “(i) carry out a program to test and
25 evaluate technology, in consultation with

1 the Science and Technology Directorate, to
2 detect and report on chemical, biological,
3 radiological, and nuclear weapons or unau-
4 thorized material, in coordination with
5 other Federal agencies, as appropriate, and
6 establish performance metrics to evaluate
7 the effectiveness of individual detectors
8 and detection systems in detecting those
9 weapons or material—

10 “(I) under realistic operational
11 and environmental conditions; and

12 “(II) against realistic adversary
13 tactics and countermeasures;

14 “(B) in coordination with end users, con-
15 duct, support, coordinate, and encourage a
16 transformational program of research and de-
17 velopment to generate and improve technologies
18 to detect, protect against, and report on the il-
19 licit entry, transport, assembly, or potential use
20 within the United States of chemical, biological,
21 radiological, and nuclear weapons or unauthor-
22 ized material; and coordinate with the Under
23 Secretary for Science and Technology on re-
24 search and development efforts relevant to the

1 mission of the Office and the Under Secretary
2 for Science and Technology;

3 “(C) before carrying out operational test-
4 ing under subparagraph (A), develop a testing
5 and evaluation plan that articulates the require-
6 ments for the user and describes how these ca-
7 pability needs will be tested in developmental
8 test and evaluation and operational test and
9 evaluation;

10 “(D) develop, acquire, and deploy equip-
11 ment to detect and report on chemical, biologi-
12 cal, radiological, and nuclear weapons or unau-
13 thorized material in support of Federal, State,
14 local, Tribal, and territorial governments;

15 “(E) support and enhance the effective
16 sharing and use of appropriate information on
17 chemical, biological, radiological, and nuclear
18 threats and related emerging issues generated
19 by elements of the intelligence community (as
20 defined in section 3 of the National Security
21 Act of 1947 (50 U.S.C. 3003)), law enforce-
22 ment agencies, other Federal agencies, State,
23 local, Tribal, and territorial governments, and
24 foreign governments, as well as provide appro-
25 priate information to those entities;

1 “(F) consult, as appropriate, with the Fed-
2 eral Emergency Management Agency and other
3 departmental components, on chemical, biologi-
4 cal, radiological, and nuclear threats and efforts
5 to mitigate, prepare, and respond to all threats
6 in support of the State, local, and Tribal com-
7 munities; and

8 “(G) perform other duties as assigned by
9 the Secretary.”;

10 (C) in subsection (b), as so redesignated—

11 (i) in the subsection heading, by strik-
12 ing “MISSION” and inserting “RADIO-
13 LOGICAL AND NUCLEAR RESPONSIBIL-
14 ITIES”;

15 (ii) in paragraph (1)—

16 (I) by inserting “deploy,” after
17 “acquire,”; and

18 (II) by striking “deployment”
19 and inserting “operations”;

20 (iii) by striking paragraphs (6)
21 through (10);

22 (iv) redesignating paragraphs (11)
23 and (12) as paragraphs (6) and (7), re-
24 spectively;

1 (v) in paragraph (6)(B), as so redesignig-
2 nated, by striking “national strategic five-
3 year plan referred to in paragraph (10)”
4 and inserting “United States national tech-
5 nical nuclear forensics strategic planning”;

6 (vi) in paragraph (7)(C)(v), as so re-
7 designated—

8 (I) in the matter preceding sub-
9 clause (I), by inserting “except as oth-
10 erwise provided,” before “require”;
11 and

12 (II) in subclause (II)—

13 (aa) in the matter preceding
14 item (aa), by striking “death or
15 disability” and inserting “death,
16 disability, or a finding of good
17 cause as determined by the As-
18 sistant Secretary (including ex-
19 treme hardship, extreme need, or
20 the needs of the Office) and for
21 which the Assistant Secretary
22 may grant a waiver of the repay-
23 ment obligation”; and

24 (bb) in item (bb), by adding
25 “and” at the end;

1 (vii) by striking paragraph (13); and
 2 (viii) by redesignating paragraph (14)
 3 as paragraph (8); and
 4 (D) by inserting after subsection (b), as so
 5 redesignated, the following:

6 “(e) CHEMICAL AND BIOLOGICAL RESPONSIBIL-
 7 ITIES.—The Office—

8 “(1) shall be responsible for coordinating with
 9 other Federal efforts to enhance the ability of Fed-
 10 eral, State, local, and Tribal governments to prevent,
 11 detect, protect against, and mitigate the impacts of
 12 chemical and biological threats against the United
 13 States; and

14 “(2) shall—

15 “(A) serve as a primary entity of the Fed-
 16 eral Government to further develop, acquire, de-
 17 ploy, and support the operations of a national
 18 biosurveillance system in support of Federal,
 19 State, local, Tribal, and territorial governments;
 20 and improve that system over time;

21 “(B) enhance the chemical and biological
 22 detection efforts of Federal, State, local, Tribal,
 23 and territorial governments and provide guid-
 24 ance, tools, and training to help ensure a man-
 25 aged, coordinated response; and

1 “(C) collaborate with the Biomedical Ad-
2 vanced Research and Development Authority,
3 the Office of Health Security, the Defense Ad-
4 vanced Research Projects Agency, and the Na-
5 tional Aeronautics and Space Administration,
6 and other relevant Federal stakeholders, and
7 receive input from industry, academia, and the
8 national laboratories on chemical and biological
9 surveillance efforts.”;

10 (5) in section 1924 (6 U.S.C. 593), by striking
11 “section 11011 of the Strom Thurmond National
12 Defense Authorization Act for Fiscal Year 1999 (5
13 U.S.C. 3104 note).” and inserting “section 4092 of
14 title 10, United States Code, except that the author-
15 ity shall be limited to facilitate the recruitment of
16 experts in the chemical, biological, radiological, or
17 nuclear specialties.”;

18 (6) in section 1927(a)(1)(C) (6 U.S.C.
19 596a(a)(1)(C))—

20 (A) in clause (i), by striking “required
21 under section 1036 of the National Defense Au-
22 thorization Act for Fiscal Year 2010”;

23 (B) in clause (ii), by striking “and” at the
24 end;

1 (C) in clause (iii), by striking the period at
2 the end and inserting “; and”; and

3 (D) by adding at the end the following:

4 “(iv) includes any other information
5 regarding national technical nuclear
6 forensics activities carried out under sec-
7 tion 1923.”;

8 (7) in section 1928 (6 U.S.C. 596b)—

9 (A) in subsection (c)(1), by striking “from
10 among high-risk urban areas under section
11 2003” and inserting “based on the capability
12 and capacity of the jurisdiction, as well as the
13 relative threat, vulnerability, and consequences
14 from terrorist attacks and other high-con-
15 sequence events utilizing nuclear or other radio-
16 logical materials”; and

17 (B) by striking subsection (d) and insert-
18 ing the following:

19 “(d) REPORT.—Not later than 2 years after the date
20 of enactment of the Offices of Countering Weapons of
21 Mass Destruction and Health Security Act of 2022, the
22 Secretary shall submit to the appropriate congressional
23 committees an update on the STC program.”; and

24 (8) by adding at the end the following:

1 **“SEC. 1929. ACCOUNTABILITY.**

2 “(a) **DEPARTMENTWIDE STRATEGY.**—Not later than
3 180 days after the date of enactment of **Offices of Counter-**
4 **ing Weapons of Mass Destruction and Health Security**
5 **Act of 2022**, and every 4 years thereafter, the Secretary,
6 in coordination with the Deputy Secretary, shall create a
7 Departmentwide strategy and implementation plan to
8 counter weapons of mass destruction and chemical, bio-
9 logical, radiological, and nuclear threats, which should—

10 “(1) have clearly identified authorities, specified
11 roles, objectives, benchmarks, accountability, and
12 timelines;

13 “(2) incorporate the perspectives of non-Federal
14 and private sector partners; and

15 “(3) articulate how the Department will con-
16 tribute to relevant national-level strategies and work
17 with other Federal agencies.

18 “(b) **CONSIDERATION.**—The Secretary shall appro-
19 priately consider chemical, biological, radiological, nuclear,
20 and emerging threats when creating the strategy and im-
21 plementation plan required under subsection (a).

22 “(c) **REPORT.**—The Office shall submit to the appro-
23 priate congressional committees a report on the updated
24 Departmentwide strategy and implementation plan re-
25 quired under subsection (a).

1 “(d) EMPLOYEE MORALE.—Not later than 180 days
2 after the date of enactment of the Offices of Countering
3 Weapons of Mass Destruction and Health Security Act of
4 2022, the Office shall submit to and brief the appropriate
5 congressional committees on a strategy and plan to con-
6 tinuously improve morale within the Office.

7 “(e) COMPTROLLER GENERAL.—Not later than 1
8 year after the date of enactment of the Offices of Coun-
9 tering Weapons of Mass Destruction and Health Security
10 Act of 2022, the Comptroller General of the United States
11 shall conduct a review of and brief the appropriate con-
12 gressional committees on—

13 “(1) the efforts of the Office to prioritize the
14 programs and activities that carry out the mission of
15 the Office, including research and development;

16 “(2) the consistency and effectiveness of stake-
17 holder coordination across the countering weapons of
18 mass destruction mission, including operational and
19 support components of the Department and State
20 and local entities; and

21 “(3) the efforts of the Office to manage and co-
22 ordinate the lifecycle of research and development
23 within the Office and with other components of the
24 Department, including the Science and Technology
25 Directorate.

1 “(f) NATIONAL ACADEMIES OF SCIENCES, ENGI-
2 NEERING, AND MEDICINE.—

3 “(1) STUDY.—The Secretary shall enter into an
4 agreement with the National Academies of Sciences,
5 Engineering, and Medicine to conduct a consensus
6 study and report to the Secretary and the appro-
7 priate congressional committees on—

8 “(A) the role of the Department in pre-
9 paring, detecting, and responding to biological
10 and health security threats to the homeland;

11 “(B) recommendations to improve depart-
12 mental biosurveillance efforts against biological
13 threats, including any relevant biological detec-
14 tion methods and technologies; and

15 “(C) the feasibility of different techno-
16 logical advances for biodetection compared to
17 the cost, risk reduction, and timeliness of those
18 advances.

19 “(2) BRIEFING.—Not later than 1 year after
20 the date on which the Secretary receives the report
21 required under paragraph (1), the Secretary shall
22 brief the appropriate congressional committees on—

23 “(A) the implementation of the rec-
24 ommendations included in the report; and

1 “(B) the status of biological detection at
2 the Department, and, if applicable, timelines for
3 the transition from Biowatch to updated tech-
4 nology.

5 “(g) ADVISORY COUNCIL.—

6 “(1) ESTABLISHMENT.—Not later than 180
7 days after the date of enactment of the Offices of
8 Countering Weapons of Mass Destruction and
9 Health Security Act of 2022, the Secretary shall es-
10 tablish an advisory body to ensure effective and on-
11 going coordination of the efforts of the Department
12 to counter weapons of mass destruction, to be known
13 as the Advisory Council for Countering Weapons of
14 Mass Destruction (in this subsection referred to as
15 the ‘Advisory Council’).

16 “(2) MEMBERSHIP.—The members of the Advi-
17 sory Council shall—

18 “(A) be appointed by the Assistant Sec-
19 retary; and

20 “(B) to the extent practicable, represent a
21 geographic (including urban and rural) and
22 substantive cross section of officials, from
23 State, local, and Tribal governments, academia,
24 the private sector, national laboratories, and

1 nongovernmental organizations, including, as
2 appropriate—

3 “(i) members selected from the emer-
4 gency management field and emergency re-
5 sponse providers;

6 “(ii) State, local, and Tribal govern-
7 ment officials;

8 “(iii) experts in the public and private
9 sectors with expertise in chemical, biologi-
10 cal, radiological, and nuclear agents and
11 weapons;

12 “(iv) representatives from the national
13 laboratories; and

14 “(v) such other individuals as the As-
15 sistant Secretary determines to be appro-
16 priate.

17 “(3) RESPONSIBILITIES.— The Advisory Coun-
18 cil shall—

19 “(A) advise the Assistant Secretary on all
20 aspects of countering weapons of mass destruc-
21 tion;

22 “(B) incorporate State, local, and Tribal
23 government, national laboratories, and private
24 sector input in the development of the strategy

1 and implementation plan of the Department for
2 countering weapons of mass destruction; and

3 “(C) establish performance criteria for a
4 national biological detection system and review
5 the testing protocol for biological detection pro-
6 totypes.

7 “(4) CONSULTATION.—To ensure input from
8 and coordination with State, local, and Tribal gov-
9 ernments, the Assistant Secretary shall regularly
10 consult and work with the Advisory Council on the
11 administration of Federal assistance provided by the
12 Department, including with respect to the develop-
13 ment of requirements for countering weapons of
14 mass destruction programs, as appropriate.

15 “(5) VOLUNTARY SERVICE.—The members of
16 the Advisory Council shall serve on the Advisory
17 Council on a voluntary basis.

18 “(6) FACA.—The Federal Advisory Committee
19 Act (5 U.S.C. App.) shall not apply to the Advisory
20 Council.”.

21 (b) COUNTERING WEAPONS OF MASS DESTRUCTION
22 ACT OF 2018.—Section 2 of the Countering Weapons of
23 Mass Destruction Act of 2018 (Public Law 115–387; 132
24 Stat. 5162) is amended—

1 (1) in subsection (b)(2) (6 U.S.C. 591 note), by
2 striking “1927” and inserting “1926”; and

3 (2) in subsection (g) (6 U.S.C. 591 note)—

4 (A) in the matter preceding paragraph (1),
5 by striking “one year after the date of the en-
6 actment of this Act, and annually thereafter,”
7 and inserting “June 30 of each year,”; and

8 (B) in paragraph (2), by striking “Secu-
9 rity, including research and development activi-
10 ties” and inserting “Security”.

11 (e) SECURITY AND ACCOUNTABILITY FOR EVERY
12 PORT ACT OF 2006.—The Security and Accountability for
13 Every Port Act of 2006 (6 U.S.C. 901 et seq.) is amend-
14 ed—

15 (1) in section 1(b) (Public Law 109–347, 120
16 Stat 1884), by striking the item relating to section
17 502; and

18 (2) by striking section 502 (6 U.S.C. 592a).

19 **SEC. 102. RULE OF CONSTRUCTION.**

20 Nothing in this title or the amendments made by this
21 title shall be construed to affect or diminish the authori-
22 ties or responsibilities of the Under Secretary for Science
23 and Technology.

1 **TITLE II—OFFICE OF HEALTH**
 2 **SECURITY**

3 **SEC. 201. OFFICE OF HEALTH SECURITY.**

4 (a) ESTABLISHMENT.—The Homeland Security Act
 5 of 2002 (6 U.S.C. 101 et seq.) is amended—

6 (1) in section 103 (6 U.S.C. 113)—

7 (A) in subsection (a)(2)—

8 (i) by striking “the Assistant Sec-
 9 retary for Health Affairs,”; and

10 (ii) by striking “Affairs, or” and in-
 11 serting “Affairs or”; and

12 (B) in subsection (d), by adding at the end

13 the following:

14 “(6) A Chief Medical Officer.”;

15 (2) by adding at the end the following:

16 **“TITLE XXIII—OFFICE OF**
 17 **HEALTH SECURITY”;**

18 (3) by redesignating section 1931 (6 U.S.C.
 19 597) as section 2301 and transferring such section
 20 to appear after the heading for title XXIII, as added
 21 by paragraph (2); and

22 (4) in section 2301, as so redesignated—

23 (A) in the section heading, by striking

24 **“CHIEF MEDICAL OFFICER”** and inserting

25 **“OFFICE OF HEALTH SECURITY”;**

1 (B) by striking subsections (a) and (b) and
2 inserting the following:

3 “(a) ~~IN GENERAL.~~—There is established in the De-
4 partment an Office of Health Security.

5 “(b) ~~HEAD OF OFFICE OF HEALTH SECURITY.~~—The
6 Office of Health Security shall be headed by a chief med-
7 ical officer, who shall—

8 “(1) be the Assistant Secretary for Health Se-
9 curity and the Chief Medical Officer of the Depart-
10 ment;

11 “(2) be a licensed physician possessing a dem-
12 onstrated ability in and knowledge of medicine and
13 public health;

14 “(3) be appointed by the President; and

15 “(4) report directly to the Secretary.”;

16 (C) in subsection (c)—

17 (i) in the matter preceding paragraph
18 (1), by striking “medical issues related to
19 natural disasters, acts of terrorism, and
20 other man-made disasters” and inserting
21 “oversight of all medical, public health,
22 and workforce safety matters of the De-
23 partment”;

24 (ii) in paragraph (1), by striking “,
25 the Administrator of the Federal Emer-

1 gency Management Agency, the Assistant
2 Secretary, and other Department officials”
3 and inserting “and all other Department
4 officials”;

5 (iii) in paragraph (4), by striking
6 “and” at the end;

7 (iv) by redesignating paragraph (5) as
8 paragraph (12); and

9 (v) by inserting after paragraph (4)
10 the following:

11 “(5) overseeing all medical and public health
12 activities of the Department, including the delivery,
13 advisement, and oversight of direct patient care and
14 the organization, management, and staffing of com-
15 ponent operations that deliver direct patient care;

16 “(6) advising the head of each component of
17 the Department that delivers direct patient care re-
18 garding the recruitment and appointment of a com-
19 ponent chief medical officer and deputy chief med-
20 ical officer or the employee who functions in the ca-
21 pacity of chief medical officer and deputy chief med-
22 ical officer;

23 “(7) advising the Secretary and the head of
24 each component of the Department that delivers di-
25 rect patient care regarding knowledge and skill

1 standards for medical personnel and the assessment
2 of that knowledge and skill;

3 ~~“(8) advising the Secretary and the head of~~
4 ~~each component of the Department that delivers pa-~~
5 ~~tient care regarding the collection, storage, and over-~~
6 ~~sight of medical records;~~

7 ~~“(9) in consultation with the Chief Information~~
8 ~~Officer of the Department—~~

9 ~~“(A) identifying methods and technologies~~
10 ~~for managing, updating, and overseeing patient~~
11 ~~records; and~~

12 ~~“(B) setting standards for technology used~~
13 ~~by the components of the Department regarding~~
14 ~~the collection, storage, and oversight of medical~~
15 ~~records;~~

16 ~~“(10) advising the Secretary and the head of~~
17 ~~each component of the Department that delivers di-~~
18 ~~rect patient care regarding contracts for the delivery~~
19 ~~of direct patient care, other medical services, and~~
20 ~~medical supplies;~~

21 ~~“(11) coordinating with the Countering Weap-~~
22 ~~ons of Mass Destruction Office and other compo-~~
23 ~~nents of the Department as directed by the Sec-~~
24 ~~retary to enhance the ability of Federal, State, local,~~
25 ~~Tribal, and territorial governments to prevent, de-~~

1 tect, protect against, and mitigate the health effects
 2 of chemical, biological, radiological, and nuclear
 3 issues; and"; and

4 (D) by adding at the end the following:

5 “(d) ASSISTANCE AND AGREEMENTS.—The Sec-
 6 retary, acting through the Chief Medical Officer, in sup-
 7 port of the medical and public health activities of the De-
 8 partment, may—

9 “(1) provide technical assistance, training, and
 10 information and distribute funds through grants and
 11 cooperative agreements to State, local, Tribal, and
 12 territorial governments and nongovernmental organi-
 13 zations;

14 “(2) enter into other transactions;

15 “(3) enter into agreements with other Federal
 16 agencies; and

17 “(4) accept services from personnel of compo-
 18 nents of the Department and other Federal agencies
 19 on a reimbursable or nonreimbursable basis.

20 “(e) OFFICE OF HEALTH SECURITY PRIVACY OFFI-
 21 CER.—There shall be a Privacy Officer in the Office of
 22 Health Security with primary responsibility for privacy
 23 policy and compliance within the Office, who shall—

24 “(1) report directly to the Chief Medical Offi-
 25 cer; and

1 ~~“(2) ensure privacy protections are integrated~~
2 ~~into all Office of Health Security activities, subject~~
3 ~~to the review and approval of the Privacy Officer of~~
4 ~~the Department to the extent consistent with the au-~~
5 ~~thority of the Privacy Officer of the Department~~
6 ~~under section 222.”;~~

7 ~~(5) by redesignating section 710 (6 U.S.C. 350)~~
8 ~~as section 2302 and transferring such section to ap-~~
9 ~~pear after section 2301, as so redesignated;~~

10 ~~(6) in section 2302, as so redesignated—~~

11 ~~(A) in subsection (a), by striking “Under~~
12 ~~Secretary for Management” each place that~~
13 ~~term appears and inserting “Chief Medical Offi-~~
14 ~~cer”;~~ and

15 ~~(B) in subsection (b)—~~

16 ~~(i) in the matter preceding paragraph~~
17 ~~(1), by striking “Under Secretary for Man-~~
18 ~~agement, in coordination with the Chief~~
19 ~~Medical Officer,” and inserting “Chief~~
20 ~~Medical Officer”;~~ and

21 ~~(ii) in paragraph (3), by striking “as~~
22 ~~deemed appropriate by the Under Sec-~~
23 ~~retary,”;~~

1 (7) by redesignating section ~~528~~ (6 U.S.C.
2 ~~321q~~) as section ~~2303~~ and transferring such section
3 to appear after section ~~2302~~, as so redesignated; and

4 (8) in section ~~2303(a)~~, as so redesignated, by
5 striking “Assistant Secretary for the Countering
6 Weapons of Mass Destruction Office” and inserting
7 “Chief Medical Officer”.

8 (b) TRANSITION AND TRANSFERS.—

9 (1) TRANSITION.—The individual appointed
10 pursuant to section ~~1931~~ of the Homeland Security
11 Act of 2002 (6 U.S.C. ~~597~~) of the Department of
12 Homeland Security, as in effect on the day before
13 the date of enactment of this Act, and serving as the
14 Chief Medical Officer of the Department of Home-
15 land Security on the day before the date of enact-
16 ment of this Act, shall continue to serve as the Chief
17 Medical Officer of the Department on and after the
18 date of enactment of this Act without the need for
19 reappointment.

20 (2) RULE OF CONSTRUCTION.—The rule of con-
21 struction described in section ~~2(hh)~~ of the Presi-
22 dential Appointment Efficiency and Streamlining
23 Act of 2011 (5 U.S.C. ~~3132~~ note) shall not apply to
24 the Chief Medical Officer of the Department of
25 Homeland Security, including the incumbent who

1 holds the position on the day before the date of en-
2 actment of this Act, and such officer shall be paid
3 pursuant to section 5332(a)(2) or 5315 of title 5,
4 United States Code.

5 (3) TRANSFER.—The Secretary of Homeland
6 Security shall transfer to the Chief Medical Officer
7 of the Department of Homeland Security—

8 (A) all functions, personnel, budget author-
9 ity, and assets of the Under Secretary for Man-
10 agement relating to workforce health and med-
11 ical support, as in existence on the day before
12 the date of enactment of this Act;

13 (B) all functions, personnel, budget au-
14 thority, and assets of the Assistant Secretary
15 for the Countering Weapons of Mass Destruc-
16 tion Office relating to the Chief Medical Officer,
17 including the Medical Operations Directorate of
18 the Countering Weapons of Mass Destruction
19 Office, as in existence on the day before the
20 date of enactment of this Act; and

21 (C) all functions, personnel, budget author-
22 ity, and assets of the Assistant Secretary for
23 the Countering Weapons of Mass Destruction
24 Office associated with the efforts pertaining to
25 the program coordination activities relating to

1 defending the food, agriculture, and veterinary
 2 defenses of the Office, as in existence on the
 3 day before the date of enactment of this Act.

4 **SEC. 202. MEDICAL COUNTERMEASURES PROGRAM.**

5 The Homeland Security Act of 2002 (6 U.S.C. 101
 6 et seq.) is amended by redesignating section 1932 (6
 7 U.S.C. 597a) as section 2304 and transferring such sec-
 8 tion to appear after section 2303, as so redesignated by
 9 section 201 of this Act.

10 **SEC. 203. CONFIDENTIALITY OF MEDICAL QUALITY ASSUR-**
 11 **ANCE RECORDS.**

12 Title XXIII of the Homeland Security Act of 2002,
 13 as added by this Act, is amended by adding at the end
 14 the following:

15 **“SEC. 2305. CONFIDENTIALITY OF MEDICAL QUALITY AS-**
 16 **SURANCE RECORDS.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) HEALTH CARE PROVIDER.—The term
 19 ‘health care provider’ means an individual who—

20 “(A) is—

21 “(i) an employee of the Department;

22 “(ii) a detailee to the Department
 23 from another Federal agency;

24 “(iii) a personal services contractor of
 25 the Department; or

1 “(iv) hired under a contract for serv-
2 ices;

3 “(B) performs health care services as part
4 of duties of the individual in that capacity; and

5 “(C) has a current, valid, and unrestricted
6 license or certification—

7 “(i) that is issued by a State, the Dis-
8 trict of Columbia, or a commonwealth, ter-
9 ritory, or possession of the United States;
10 and

11 “(ii) that is for the practice of medi-
12 cine, osteopathic medicine, dentistry, nurs-
13 ing, emergency medical services, or another
14 health profession.

15 “(2) MEDICAL QUALITY ASSURANCE PRO-
16 GRAM.—The term ‘medical quality assurance pro-
17 gram’ means any activity carried out by the Depart-
18 ment to assess the quality of medical care, including
19 activities conducted by individuals, committees, or
20 other review bodies responsible for quality assurance;
21 credentials, infection control, incident reporting, the
22 delivery, advisement, and oversight of direct patient
23 care and assessment (including treatment proce-
24 dures, blood, drugs, and therapeutics); medical
25 records; health resources management review, and

1 identification and prevention of medical, mental
2 health, or dental incidents and risks.

3 “(3) MEDICAL QUALITY ASSURANCE RECORD
4 OF THE DEPARTMENT.—The term ‘medical quality
5 assurance record of the Department’ means all in-
6 formation, including the proceedings, records (in-
7 cluding patient records that the Department creates
8 and maintains as part of a system of records), min-
9 utes, and reports that—

10 “(A) emanate from quality assurance pro-
11 gram activities described in paragraph (2); and

12 “(B) are produced or compiled by the De-
13 partment as part of a medical quality assurance
14 program.

15 “(b) CONFIDENTIALITY OF RECORDS.—A medical
16 quality assurance record of the Department that is created
17 as part of a medical quality assurance program—

18 “(1) is confidential and privileged; and

19 “(2) except as provided in subsection (d), may
20 not be disclosed to any person or entity.

21 “(c) PROHIBITION ON DISCLOSURE AND TESTI-
22 MONY.—Except as otherwise provided in this section—

23 “(1) no part of any medical quality assurance
24 record of the Department may be subject to dis-

1 covery or admitted into evidence in any judicial or
2 administrative proceeding; and

3 “(2) an individual who reviews or creates a
4 medical quality assurance record of the Department
5 or who participates in any proceeding that reviews
6 or creates a medical quality assurance record of the
7 Department may not be permitted or required to
8 testify in any judicial or administrative proceeding
9 with respect to the record or with respect to any
10 finding, recommendation, evaluation, opinion, or ac-
11 tion taken by that individual in connection with the
12 record.

13 “(d) AUTHORIZED DISCLOSURE AND TESTIMONY.—

14 “(1) IN GENERAL.—Subject to paragraph (2), a
15 medical quality assurance record of the Department
16 may be disclosed, and a person described in sub-
17 section (c)(2) may give testimony in connection with
18 the record, only as follows:

19 “(A) To a Federal agency or private orga-
20 nization, if the medical quality assurance record
21 of the Department or testimony is needed by
22 the Federal agency or private organization to—

23 “(i) perform licensing or accreditation
24 functions related to Department health
25 care facilities; a facility affiliated with the

1 Department, or any other location author-
2 ized by the Secretary for the performance
3 of health care services; or

4 “(ii) perform monitoring, required by
5 law, of Department health care facilities, a
6 facility affiliated with the Department, or
7 any other location authorized by the Sec-
8 retary for the performance of health care
9 services.

10 “(B) To an administrative or judicial pro-
11 ceeding concerning an adverse action related to
12 the credentialing of or health care provided by
13 a present or former health care provider by the
14 Department.

15 “(C) To a governmental board or agency
16 or to a professional health care society or orga-
17 nization, if the medical quality assurance record
18 of the Department or testimony is needed by
19 the board, agency, society, or organization to
20 perform licensing, credentialing, or the moni-
21 toring of professional standards with respect to
22 any health care provider who is or was a health
23 care provider for the Department.

24 “(D) To a hospital, medical center, or
25 other institution that provides health care serv-

1 ices, if the medical quality assurance record of
2 the Department or testimony is needed by the
3 institution to assess the professional qualifica-
4 tions of any health care provider who is or was
5 a health care provider for the Department and
6 who has applied for or been granted authority
7 or employment to provide health care services
8 in or on behalf of the institution.

9 “(E) To an employee, a detailee, or a con-
10 tractor of the Department who has a need for
11 the medical quality assurance record of the De-
12 partment or testimony to perform official duties
13 or duties within the scope of their contract.

14 “(F) To a criminal or civil law enforce-
15 ment agency or instrumentality charged under
16 applicable law with the protection of the public
17 health or safety, if a qualified representative of
18 the agency or instrumentality makes a written
19 request that the medical quality assurance
20 record of the Department or testimony be pro-
21 vided for a purpose authorized by law.

22 “(G) In an administrative or judicial pro-
23 ceeding commenced by a criminal or civil law
24 enforcement agency or instrumentality de-

1 scribed in subparagraph (F), but only with re-
2 spect to the subject of the proceeding.

3 “(2) PERSONALLY IDENTIFIABLE INFORMA-
4 TION.—

5 “(A) IN GENERAL.—With the exception of
6 the subject of a quality assurance action, per-
7 sonally identifiable information of any person
8 receiving health care services from the Depart-
9 ment or of any other person associated with the
10 Department for purposes of a medical quality
11 assurance program that is disclosed in a med-
12 ical quality assurance record of the Department
13 shall be deleted from that record before any dis-
14 closure of the record is made outside the De-
15 partment.

16 “(B) APPLICATION.—The requirement
17 under subparagraph (A) shall not apply to the
18 release of information that is permissible under
19 section 552a of title 5, United States Code
20 (commonly known as the ‘Privacy Act of
21 1974’).

22 “(c) DISCLOSURE FOR CERTAIN PURPOSES.—Noth-
23 ing in this section shall be construed—

24 “(1) to authorize or require the withholding
25 from any person or entity aggregate statistical infor-

1 mation regarding the results of medical quality as-
2 surance programs; or

3 “(2) to authorize the withholding of any med-
4 ical quality assurance record of the Department
5 from a committee of either House of Congress, any
6 joint committee of Congress, or the Comptroller
7 General of the United States if the record pertains
8 to any matter within their respective jurisdictions.

9 “(f) PROHIBITION ON DISCLOSURE OF INFORMA-
10 TION, RECORD, OR TESTIMONY.—A person or entity hav-
11 ing possession of or access to a medical quality assurance
12 record of the Department or testimony described in this
13 section may not disclose the contents of the record or testi-
14 mony in any manner or for any purpose except as provided
15 in this section.

16 “(g) EXEMPTION FROM FREEDOM OF INFORMATION
17 ACT.—A medical quality assurance record of the Depart-
18 ment shall be exempt from disclosure under section
19 552(b)(3) of title 5, United States Code (commonly known
20 as the ‘Freedom of Information Act’).

21 “(h) LIMITATION ON CIVIL LIABILITY.—A person
22 who participates in the review or creation of, or provides
23 information to a person or body that reviews or creates,
24 a medical quality assurance record of the Department
25 shall not be civilly liable for that participation or for pro-

1 viding that information if the participation or provision
2 of information was provided in good faith based on pre-
3 vailing professional standards at the time the medical
4 quality assurance program activity took place.

5 “(i) APPLICATION TO INFORMATION IN CERTAIN
6 OTHER RECORDS.—Nothing in this section shall be con-
7 strued as limiting access to the information in a record
8 created and maintained outside a medical quality assur-
9 ance program, including the medical record of a patient,
10 on the grounds that the information was presented during
11 meetings of a review body that are part of a medical qual-
12 ity assurance program.

13 “(j) PENALTY.—Any person who willfully discloses a
14 medical quality assurance record of the Department other
15 than as provided in this section, knowing that the record
16 is a medical quality assurance record of the Department
17 shall be fined not more than \$3,000 in the case of a first
18 offense and not more than \$20,000 in the case of a subse-
19 quent offense.

20 “(k) RELATIONSHIP TO COAST GUARD.—The re-
21 quirements of this section shall not apply to any medical
22 quality assurance record of the Department that is created
23 by or for the Coast Guard as part of a medical quality
24 assurance program.”.

1 **SEC. 204. PORTABILITY OF LICENSURE.**

2 (a) ~~TRANSFER.~~—Section 16005 of the CARES Act
3 (6 U.S.C. 320 note) is redesignated as section 2306 of
4 the Homeland Security Act of 2002 and transferred so
5 as to appear after section 2305, as added by section 203
6 of this Act.

7 (b) ~~REPEAL.~~—Section 2306 of the Homeland Secu-
8 rity Act of 2002, as so redesignated by subsection (a), is
9 amended by striking subsection (c).

10 **SEC. 205. TECHNICAL AND CONFORMING AMENDMENTS.**

11 The Homeland Security Act of 2002 (6 U.S.C. 101
12 et seq.) is amended—

13 (1) in the table of contents in section 1(b)
14 (Public Law 107–296; 116 Stat. 2135)—

15 (A) by striking the items relating to sec-
16 tions 528 and 529 and inserting the following:

“Sec. 528. Transfer of equipment during a public health emergency.”;

17 (B) by striking the items relating to sec-
18 tions 710, 711, 712, and 713 and inserting the
19 following:

“Sec. 710. Employee engagement.

“Sec. 711. Annual employee award program.

“Sec. 712. Acquisition professional career program.”;

20 (C) by inserting after the item relating to
21 section 1928 the following:

“Sec. 1929. Accountability.”;

1 (D) by striking the items relating to sub-
 2 title C of title XIX and sections 1931 and
 3 1932; and

4 (E) by adding at the end the following:

“TITLE XXIII—OFFICE OF HEALTH SECURITY

“Sec. 2301. Office of Health Security.

“Sec. 2302. Workforce health and medical support.

“Sec. 2303. Coordination of Department of Homeland Security efforts related
 to food, agriculture, and veterinary defense against terrorism.

“Sec. 2304. Medical countermeasures program.

“Sec. 2305. Confidentiality of medical quality assurance records.

“Sec. 2306. Portability of licensure.”;

5 (2) by redesignating section 529 (6 U.S.C.
 6 321f) as section 528;

7 (3) in section 704(e)(4) (6 U.S.C. 344(e)(4)),
 8 by striking “section 711(a)” and inserting “section
 9 710(a)”;

10 (4) by redesignating sections 711, 712, and 713
 11 as sections 710, 711, and 712, respectively;

12 (5) in section 1923(b)(3) (6 U.S.C.
 13 592(b)(3))—

14 (A) in the paragraph heading, by striking
 15 “HAWAIIAN NATIVE-SERVING” and inserting
 16 “NATIVE HAWAIIAN-SERVING”; and

17 (B) by striking “Hawaiian native-serving”
 18 and inserting “Native Hawaiian-serving”;

19 (6) by striking the subtitle heading for subtitle
 20 C of title XIX;

1 (7) by striking section 1932 (6 U.S.C. 597a);

2 and

3 (8) in section 2306, as so redesignated by sec-

4 tion 204 of this Act—

5 (A) by inserting “**PORTABILITY OF LI-**
6 **CENSURE.**” after “2306.”; and

7 (B) in subsection (a), by striking “(a) Not-

8 withstanding” and inserting the following:

9 “(a) **IN GENERAL.**—Notwithstanding”.

10 **SECTION 1. SHORT TITLE, TABLE OF CONTENTS.**

11 (a) *SHORT TITLE.*—*This Act may be cited as the “Of-*
12 *fices of Countering Weapons of Mass Destruction and*
13 *Health Security Act of 2022”.*

14 (b) *TABLE OF CONTENTS.*—*The table of contents for*
15 *this Act is as follows:*

Sec. 1. Short title, table of contents.

TITLE I—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

Sec. 101. Countering Weapons of Mass Destruction Office.

Sec. 102. Rule of construction.

TITLE II—OFFICE OF HEALTH SECURITY

Sec. 201. Office of Health Security.

Sec. 202. Medical countermeasures program.

Sec. 203. Confidentiality of medical quality assurance records.

Sec. 204. Portability of licensure.

Sec. 205. Technical and conforming amendments.

1 **TITLE I—COUNTERING WEAPONS**
 2 **OF MASS DESTRUCTION OFFICE**

3 **SEC. 101. COUNTERING WEAPONS OF MASS DESTRUCTION**
 4 **OFFICE.**

5 (a) *HOMELAND SECURITY ACT OF 2002.—Title XIX*
 6 *of the Homeland Security Act of 2002 (6 U.S.C. 590 et seq.)*
 7 *is amended—*

8 (1) *in section 1901 (6 U.S.C. 591)—*

9 (A) *in subsection (c), by amending para-*
 10 *graphs (1) and (2) to read as follows:*

11 “(1) *matters and strategies pertaining to—*

12 “(A) *weapons of mass destruction; and*

13 “(B) *chemical, biological, radiological, nu-*
 14 *clear, and other related emerging threats; and*

15 “(2) *coordinating the efforts of the Department*
 16 *to counter—*

17 “(A) *weapons of mass destruction; and*

18 “(B) *chemical, biological, radiological, nu-*
 19 *clear, and other related emerging threats.”; and*

20 (B) *by striking subsection (e);*

21 (2) *by amending section 1921 (6 U.S.C. 591g) to*
 22 *read as follows:*

23 **“SEC. 1921. MISSION OF THE OFFICE.**

24 *“The Office shall be responsible for—*

1 “(1) coordinating the efforts of the Department
2 to counter—

3 “(A) weapons of mass destruction; and

4 “(B) chemical, biological, radiological, nu-
5 clear, and other related emerging threats; and

6 “(2) enhancing the ability of Federal, State,
7 local, Tribal, and territorial partners to prevent, de-
8 tect, protect against, and mitigate the impacts of at-
9 tacks using—

10 “(A) weapons of mass destruction against
11 the United States; and

12 “(B) chemical, biological, radiological, nu-
13 clear, and other related emerging threats against
14 the United States.”;

15 (3) in section 1922 (6 U.S.C. 591h)—

16 (A) by striking subsection (b); and

17 (B) by redesignating subsection (c) as sub-
18 section (b);

19 (4) in section 1923 (6 U.S.C. 592)—

20 (A) by redesignating subsections (a) and (b)
21 as subsections (b) and (d), respectively;

22 (B) by inserting before subsection (b), as so
23 redesignated, the following:

24 “(a) OFFICE RESPONSIBILITIES.—

1 “(1) *IN GENERAL.*—*For the purposes of coordi-*
2 *nating the efforts of the Department to counter weap-*
3 *ons of mass destruction and chemical, biological, ra-*
4 *diological, nuclear, and other related emerging*
5 *threats, the Office shall—*

6 “(A) *provide expertise and guidance to De-*
7 *partment leadership and components on chem-*
8 *ical, biological, radiological, nuclear, and other*
9 *related emerging threats, subject to the research,*
10 *development, testing, and evaluation coordina-*
11 *tion requirement described in subparagraph (G);*

12 “(B) *in coordination with the Office for*
13 *Strategy, Policy, and Plans, lead development of*
14 *policies and strategies to counter weapons of*
15 *mass destruction and chemical, biological, radio-*
16 *logical, nuclear, and other related emerging*
17 *threats on behalf of the Department;*

18 “(C) *identify, assess, and prioritize capa-*
19 *bility gaps relating to the strategic and mission*
20 *objectives of the Department for weapons of mass*
21 *destruction and chemical, biological, radio-*
22 *logical, nuclear, and other related emerging*
23 *threats;*

24 “(D) *in coordination with the Office of In-*
25 *telligence and Analysis, support components of*

1 *the Department, and Federal, State, local, Trib-*
2 *al, and territorial partners, provide intelligence*
3 *and information analysis and reports on weap-*
4 *ons of mass destruction and chemical, biological,*
5 *radiological, nuclear, and other related emerging*
6 *threats;*

7 *“(E) in consultation with the Science and*
8 *Technology Directorate, assess risk to the United*
9 *States from weapons of mass destruction and*
10 *chemical, biological, radiological, nuclear, and*
11 *other related emerging threats;*

12 *“(F) lead development and prioritization of*
13 *Department requirements to counter weapons of*
14 *mass destruction and chemical, biological, radio-*
15 *logical, nuclear, and other related emerging*
16 *threats, subject to the research, development, test-*
17 *ing, and evaluation coordination requirement de-*
18 *scribed in subparagraph (G), which requirements*
19 *shall be—*

20 *“(i) developed in coordination with*
21 *end users; and*

22 *“(ii) reviewed by the Joint Require-*
23 *ments Council, as directed by the Secretary;*

24 *“(G) in coordination with the Science and*
25 *Technology Directorate, direct, fund, and coordi-*

1 *nate capability development activities to counter*
2 *weapons of mass destruction and all chemical,*
3 *biological, radiological, nuclear, and other re-*
4 *lated emerging threats research, development,*
5 *test, and evaluation matters, including research,*
6 *development, testing, and evaluation expertise,*
7 *threat characterization, technology maturation,*
8 *prototyping, and technology transition;*

9 *“(H) acquire, procure, and deploy counter*
10 *weapons of mass destruction capabilities, and*
11 *serve as the lead advisor of the Department on*
12 *component acquisition, procurement, and deploy-*
13 *ment of counter-weapons of mass destruction ca-*
14 *pabilities;*

15 *“(I) in coordination with the Office of*
16 *Health Security, support components of the De-*
17 *partment, and Federal, State, local, Tribal, and*
18 *territorial partners on chemical, biological, radi-*
19 *ological, nuclear, and other related emerging*
20 *threats health matters;*

21 *“(J) provide expertise on weapons of mass*
22 *destruction and chemical, biological, radio-*
23 *logical, nuclear, and other related emerging*
24 *threats to Department and Federal partners to*
25 *support engagements and efforts with inter-*

1 *national partners subject to the research, devel-*
2 *opment, testing, and evaluation coordination re-*
3 *quirement under subparagraph (G); and*

4 *“(K) carry out any other duties assigned to*
5 *the Office by the Secretary.*

6 *“(2) DETECTION AND REPORTING.—For purposes*
7 *of the detection and reporting responsibilities of the*
8 *Office for weapons of mass destruction and chemical,*
9 *biological, radiological, nuclear, and other related*
10 *emerging threats, the Office shall—*

11 *“(A) in coordination with end users, includ-*
12 *ing State, local, Tribal, and territorial partners,*
13 *as appropriate—*

14 *“(i) carry out a program to test and*
15 *evaluate technology, in consultation with*
16 *the Science and Technology Directorate, to*
17 *detect and report on weapons of mass de-*
18 *struction and chemical, biological, radio-*
19 *logical, nuclear, and other related emerging*
20 *threats weapons or unauthorized material,*
21 *in coordination with other Federal agencies,*
22 *as appropriate, and establish performance*
23 *metrics to evaluate the effectiveness of indi-*
24 *vidual detectors and detection systems in*
25 *detecting those weapons or material—*

1 “(I) under realistic operational
2 and environmental conditions; and

3 “(II) against realistic adversary
4 tactics and countermeasures;

5 “(B) in coordination with end users, con-
6 duct, support, coordinate, and encourage a
7 transformational program of research and devel-
8 opment to generate and improve technologies to
9 detect, protect against, and report on the illicit
10 entry, transport, assembly, or potential use with-
11 in the United States of weapons of mass destruc-
12 tion and chemical, biological, radiological, nu-
13 clear, and other related emerging threats weap-
14 ons or unauthorized material, and coordinate
15 with the Under Secretary for Science and Tech-
16 nology on research and development efforts rel-
17 evant to the mission of the Office and the Under
18 Secretary for Science and Technology;

19 “(C) before carrying out operational testing
20 under subparagraph (A), develop a testing and
21 evaluation plan that articulates the requirements
22 for the user and describes how these capability
23 needs will be tested in developmental test and
24 evaluation and operational test and evaluation;

1 “(D) as appropriate, develop, acquire, and
2 deploy equipment to detect and report on weap-
3 ons of mass destruction and chemical, biological,
4 radiological, nuclear, and other related emerging
5 threats weapons or unauthorized material in
6 support of Federal, State, local, Tribal, and ter-
7 ritorial governments;

8 “(E) support and enhance the effective shar-
9 ing and use of appropriate information on
10 weapons of mass destruction and chemical, bio-
11 logical, radiological, nuclear, and other related
12 emerging threats and related emerging issues
13 generated by elements of the intelligence commu-
14 nity (as defined in section 3 of the National Se-
15 curity Act of 1947 (50 U.S.C. 3003)), law en-
16 forcement agencies, other Federal agencies, State,
17 local, Tribal, and territorial governments, and
18 foreign governments, as well as provide appro-
19 priate information to those entities;

20 “(F) consult, as appropriate, with the Fed-
21 eral Emergency Management Agency and other
22 departmental components, on weapons of mass
23 destruction and chemical, biological, radio-
24 logical, nuclear, and other related emerging
25 threats and efforts to mitigate, prepare, and re-

1 *spond to all threats in support of the State,*
2 *local, and Tribal communities; and*

3 *“(G) perform other duties as assigned by the*
4 *Secretary.”;*

5 *(C) in subsection (b), as so redesignated—*

6 *(i) in the subsection heading, by strik-*
7 *ing “MISSION” and inserting “RADIO-*
8 *LOGICAL AND NUCLEAR RESPONSIBIL-*
9 *ITIES”;*

10 *(ii) in paragraph (1)—*

11 *(I) by inserting “deploy,” after*
12 *“acquire,”; and*

13 *(II) by striking “deployment” and*
14 *inserting “operations”;*

15 *(iii) by striking paragraphs (6)*
16 *through (10);*

17 *(iv) redesignating paragraphs (11) and*
18 *(12) as paragraphs (6) and (7), respec-*
19 *tively;*

20 *(v) in paragraph (6)(B), as so redesign-*
21 *ated, by striking “national strategic five-*
22 *year plan referred to in paragraph (10)”*
23 *and inserting “United States national tech-*
24 *nical nuclear forensics strategic planning”;*

1 (vi) in paragraph (7)(C)(v), as so re-
2 designated—

3 (I) in the matter preceding sub-
4 clause (I), by inserting “except as oth-
5 erwise provided,” before “require”; and

6 (II) in subclause (II)—

7 (aa) in the matter preceding
8 item (aa), by striking “death or
9 disability” and inserting “death,
10 disability, or a finding of good
11 cause as determined by the Assist-
12 ant Secretary (including extreme
13 hardship, extreme need, or the
14 needs of the Office) and for which
15 the Assistant Secretary may grant
16 a waiver of the repayment obliga-
17 tion”; and

18 (bb) in item (bb), by adding
19 “and” at the end;

20 (vii) by striking paragraph (13); and

21 (viii) by redesignating paragraph (14)

22 as paragraph (8); and

23 (D) by inserting after subsection (b), as so
24 redesignated, the following:

1 “(c) *CHEMICAL AND BIOLOGICAL RESPONSIBIL-*
2 *ITIES.—The Office—*

3 “(1) *shall be responsible for coordinating with*
4 *other Federal efforts to enhance the ability of Federal,*
5 *State, local, and Tribal governments to prevent, de-*
6 *tect, protect against, and mitigate the impacts of*
7 *chemical and biological threats against the United*
8 *States; and*

9 “(2) *shall—*

10 “(A) *serve as a primary entity of the Fed-*
11 *eral Government to further develop, acquire, de-*
12 *ploy, and support the operations of a national*
13 *biosurveillance system in support of Federal,*
14 *State, local, Tribal, and territorial governments,*
15 *and improve that system over time;*

16 “(B) *enhance the chemical and biological*
17 *detection efforts of Federal, State, local, Tribal,*
18 *and territorial governments and provide guid-*
19 *ance, tools, and training to help ensure a man-*
20 *aged, coordinated response; and*

21 “(C) *collaborate with the Biomedical Ad-*
22 *vanced Research and Development Authority, the*
23 *Office of Health Security, the Defense Advanced*
24 *Research Projects Agency, and the National Aer-*
25 *onautics and Space Administration, and other*

1 *relevant Federal stakeholders, and receive input*
2 *from industry, academia, and the national lab-*
3 *oratories on chemical and biological surveillance*
4 *efforts.”;*

5 *(5) in section 1924 (6 U.S.C. 593), by striking*
6 *“section 11011 of the Strom Thurmond National De-*
7 *fense Authorization Act for Fiscal Year 1999 (5*
8 *U.S.C. 3104 note).” and inserting “section 4092 of*
9 *title 10, United States Code, except that the authority*
10 *shall be limited to facilitate the recruitment of experts*
11 *in the chemical, biological, radiological, or nuclear*
12 *specialties.”;*

13 *(6) in section 1927(a)(1)(C) (6 U.S.C.*
14 *596a(a)(1)(C))—*

15 *(A) in clause (i), by striking “required*
16 *under section 1036 of the National Defense Au-*
17 *thorization Act for Fiscal Year 2010”;*

18 *(B) in clause (ii), by striking “and” at the*
19 *end;*

20 *(C) in clause (iii), by striking the period at*
21 *the end and inserting “; and”; and*

22 *(D) by adding at the end the following:*

23 *“(iv) includes any other information*
24 *regarding national technical nuclear*

1 *forensics activities carried out under section*
2 *1923.”;*

3 *(7) in section 1928 (6 U.S.C. 596b)—*

4 *(A) in subsection (c)(1), by striking “from*
5 *among high-risk urban areas under section*
6 *2003” and inserting “based on the capability*
7 *and capacity of the jurisdiction, as well as the*
8 *relative threat, vulnerability, and consequences*
9 *from terrorist attacks and other high-consequence*
10 *events utilizing nuclear or other radiological ma-*
11 *terials”;* and

12 *(B) by striking subsection (d) and inserting*
13 *the following:*

14 *“(d) REPORT.—Not later than 2 years after the date*
15 *of enactment of the Offices of Countering Weapons of Mass*
16 *Destruction and Health Security Act of 2022, the Secretary*
17 *shall submit to the appropriate congressional committees an*
18 *update on the STC program.”;* and

19 *(8) by adding at the end the following:*

20 **“SEC. 1929. ACCOUNTABILITY.**

21 **“(a) DEPARTMENTWIDE STRATEGY.—**

22 **“(1) IN GENERAL.—Not later than 180 days**
23 **after the date of enactment of Offices of Countering**
24 **Weapons of Mass Destruction and Health Security**
25 **Act of 2022, and every 4 years thereafter, the Sec-**

1 *retary shall create a Departmentwide strategy and*
2 *implementation plan to counter weapons of mass de-*
3 *struction and chemical, biological, radiological, nu-*
4 *clear, and other related emerging threats, which*
5 *should—*

6 *“(A) have clearly identified authorities,*
7 *specified roles, objectives, benchmarks, account-*
8 *ability, and timelines;*

9 *“(B) incorporate the perspectives of non-*
10 *Federal and private sector partners; and*

11 *“(C) articulate how the Department will*
12 *contribute to relevant national-level strategies*
13 *and work with other Federal agencies.*

14 *“(2) CONSIDERATION.—The Secretary shall ap-*
15 *propriately consider weapons of mass destruction and*
16 *chemical, biological, radiological, nuclear, and other*
17 *related emerging threats when creating the strategy*
18 *and implementation plan required under paragraph*
19 *(1).*

20 *“(3) REPORT.—The Office shall submit to the*
21 *appropriate congressional committees a report on the*
22 *updated Departmentwide strategy and implementa-*
23 *tion plan required under paragraph (1).*

24 *“(b) DEPARTMENTWIDE BIODEFENSE REVIEW AND*
25 *STRATEGY.—*

1 “(1) *IN GENERAL.*—Not later than 180 days
2 after the date of enactment of the Offices of Coun-
3 tering Weapons of Mass Destruction and Health Secu-
4 rity Act of 2022, the Secretary, in consultation with
5 appropriate stakeholders representing Federal, State,
6 Tribal, territorial, academic, private sector, and non-
7 governmental entities, shall conduct a Department-
8 wide review of biodefense activities and strategies.

9 “(2) *REVIEW.*—The review required under para-
10 graph (1) shall—

11 “(A) identify with specificity the biodefense
12 lines of effort of the Department, including relat-
13 ing to biodefense roles, responsibilities, and capa-
14 bilities of components and offices of the Depart-
15 ment;

16 “(B) assess how such components and offices
17 coordinate internally and with public and pri-
18 vate partners in the biodefense enterprise;

19 “(C) identify any policy, resource, capa-
20 bility, or other gaps in the Department’s ability
21 to assess, prevent, protect against, and respond
22 to biological threats; and

23 “(D) identify any organizational changes or
24 reforms necessary for the Department to effec-
25 tively execute its biodefense mission and role, in-

1 *cluding with respect to public and private part-*
2 *ners in the biodefense enterprise.*

3 “(3) *STRATEGY.*—*Not later than 1 year after*
4 *completion of the review required under paragraph*
5 *(1), the Secretary shall issue a biodefense strategy for*
6 *the Department that—*

7 “(A) *is informed by such review and is*
8 *aligned with section 1086 of the National De-*
9 *fense Authorization Act for Fiscal Year 2017 (6*
10 *U.S.C. 104; relating to the development of a na-*
11 *tional biodefense strategy and associated imple-*
12 *mentation plan, including a review and assess-*
13 *ment of biodefense policies, practices, programs,*
14 *and initiatives) or any successor strategy; and*

15 “(B) *shall—*

16 “(i) *describe the biodefense mission and*
17 *role of the Department, as well as how such*
18 *mission and role relates to the biodefense*
19 *lines of effort of the Department;*

20 “(ii) *clarify, as necessary, biodefense*
21 *roles, responsibilities, and capabilities of the*
22 *components and offices of the Department*
23 *involved in the biodefense lines of effort of*
24 *the Department;*

1 “(iii) establish how biodefense lines of
2 effort of the Department are to be coordi-
3 nated within the Department;

4 “(iv) establish how the Department en-
5 gages with public and private partners in
6 the biodefense enterprise, including other
7 Federal agencies, national laboratories and
8 sites, and State, local, Tribal, and terri-
9 torial entities, with specificity regarding the
10 frequency and nature of such engagement by
11 Department components and offices with
12 State, local, Tribal and territorial entities;
13 and

14 “(v) include information relating to—

15 “(I) milestones and performance
16 metrics that are specific to the bio-
17 defense mission and role of the Depart-
18 ment described in clause (i); and

19 “(II) implementation of any oper-
20 ational changes necessary to carry out
21 clauses (iii) and (iv).

22 “(4) PERIODIC UPDATE.—Beginning not later
23 than 5 years after the issuance of the biodefense strat-
24 egy and implementation plans required under para-
25 graph (3), and not less often than once every 5 years

1 *thereafter, the Secretary shall review and update, as*
2 *necessary, such strategy and plans.*

3 “(5) *CONGRESSIONAL OVERSIGHT.*—*Not later*
4 *than 30 days after the issuance of the biodefense strat-*
5 *egy and implementation plans required under para-*
6 *graph (3), the Secretary shall brief the Committee on*
7 *Homeland Security and Governmental Affairs of the*
8 *Senate and the Committee on Homeland Security of*
9 *the House of Representatives regarding such strategy*
10 *and plans.*

11 “(c) *EMPLOYEE MORALE.*—*Not later than 180 days*
12 *after the date of enactment of the Offices of Countering*
13 *Weapons of Mass Destruction and Health Security Act of*
14 *2022, the Office shall submit to and brief the appropriate*
15 *congressional committees on a strategy and plan to continu-*
16 *ously improve morale within the Office.*

17 “(d) *COMPTROLLER GENERAL.*—*Not later than 1 year*
18 *after the date of enactment of the Offices of Countering*
19 *Weapons of Mass Destruction and Health Security Act of*
20 *2022, the Comptroller General of the United States shall*
21 *conduct a review of and brief the appropriate congressional*
22 *committees on—*

23 “(1) *the efforts of the Office to prioritize the pro-*
24 *grams and activities that carry out the mission of the*
25 *Office, including research and development;*

1 “(2) *the consistency and effectiveness of stake-*
2 *holder coordination across the mission of the Depart-*
3 *ment, including operational and support components*
4 *of the Department and State and local entities; and*

5 “(3) *the efforts of the Office to manage and co-*
6 *ordinate the lifecycle of research and development*
7 *within the Office and with other components of the*
8 *Department, including the Science and Technology*
9 *Directorate.*

10 “(e) *NATIONAL ACADEMIES OF SCIENCES, ENGINEER-*
11 *ING, AND MEDICINE.—*

12 “(1) *STUDY.—The Secretary shall enter into an*
13 *agreement with the National Academies of Sciences,*
14 *Engineering, and Medicine to conduct a consensus*
15 *study and report to the Secretary and the appropriate*
16 *congressional committees on—*

17 “(A) *the role of the Department in pre-*
18 *paring, detecting, and responding to biological*
19 *and health security threats to the homeland;*

20 “(B) *recommendations to improve depart-*
21 *mental biosurveillance efforts against biological*
22 *threats, including any relevant biological detec-*
23 *tion methods and technologies; and*

1 “(C) *the feasibility of different technological*
2 *advances for biodetection compared to the cost,*
3 *risk reduction, and timeliness of those advances.*

4 “(2) *BRIEFING.—Not later than 1 year after the*
5 *date on which the Secretary receives the report re-*
6 *quired under paragraph (1), the Secretary shall brief*
7 *the appropriate congressional committees on—*

8 “(A) *the implementation of the rec-*
9 *ommendations included in the report; and*

10 “(B) *the status of biological detection at the*
11 *Department, and, if applicable, timelines for the*
12 *transition from Biowatch to updated technology.*

13 “(f) *ADVISORY COUNCIL.—*

14 “(1) *ESTABLISHMENT.—Not later than 180 days*
15 *after the date of enactment of the Offices of Coun-*
16 *tering Weapons of Mass Destruction and Health Secu-*
17 *rity Act of 2022, the Secretary shall establish an ad-*
18 *visory body to advise on the ongoing coordination of*
19 *the efforts of the Department to counter weapons of*
20 *mass destruction, to be known as the Advisory Coun-*
21 *cil for Countering Weapons of Mass Destruction (in*
22 *this subsection referred to as the ‘Advisory Council’).*

23 “(2) *MEMBERSHIP.—The members of the Advi-*
24 *sory Council shall—*

1 “(A) be appointed by the Assistant Sec-
2 retary; and

3 “(B) to the extent practicable, represent a
4 geographic (including urban and rural) and sub-
5 stantive cross section of officials, from State,
6 local, and Tribal governments, academia, the
7 private sector, national laboratories, and non-
8 governmental organizations, including, as appro-
9 priate—

10 “(i) members selected from the emer-
11 gency management field and emergency re-
12 sponse providers;

13 “(ii) State, local, and Tribal govern-
14 ment officials;

15 “(iii) experts in the public and private
16 sectors with expertise in chemical, biologi-
17 cal, radiological, and nuclear agents and
18 weapons;

19 “(iv) representatives from the national
20 laboratories; and

21 “(v) such other individuals as the As-
22 sistant Secretary determines to be appro-
23 priate.

24 “(3) RESPONSIBILITIES.— The Advisory Council
25 shall—

1 “(A) advise the Assistant Secretary on all
2 aspects of countering weapons of mass destruc-
3 tion;

4 “(B) incorporate State, local, and Tribal
5 government, national laboratories, and private
6 sector input in the development of the strategy
7 and implementation plan of the Department for
8 countering weapons of mass destruction; and

9 “(C) establish performance criteria for a
10 national biological detection system and review
11 the testing protocol for biological detection proto-
12 types.

13 “(4) CONSULTATION.—To ensure input from and
14 coordination with State, local, and Tribal govern-
15 ments, the Assistant Secretary shall regularly consult
16 and work with the Advisory Council on the adminis-
17 tration of Federal assistance provided by the Depart-
18 ment, including with respect to the development of re-
19 quirements for countering weapons of mass destruc-
20 tion programs, as appropriate.

21 “(5) VOLUNTARY SERVICE.—The members of the
22 Advisory Council shall serve on the Advisory Council
23 on a voluntary basis.

1 “(6) *FACA*.—*The Federal Advisory Committee*
2 *Act (5 U.S.C. App.) shall not apply to the Advisory*
3 *Council.*”.

4 (b) *COUNTERING WEAPONS OF MASS DESTRUCTION*
5 *ACT OF 2018*.—*Section 2 of the Countering Weapons of*
6 *Mass Destruction Act of 2018 (Public Law 115–387; 132*
7 *Stat. 5162) is amended—*

8 (1) *in subsection (b)(2) (6 U.S.C. 591 note), by*
9 *striking “1927” and inserting “1926”; and*

10 (2) *in subsection (g) (6 U.S.C. 591 note)—*

11 (A) *in the matter preceding paragraph (1),*
12 *by striking “one year after the date of the enact-*
13 *ment of this Act, and annually thereafter,” and*
14 *inserting “June 30 of each year,”; and*

15 (B) *in paragraph (2), by striking “Secu-*
16 *rity, including research and development activi-*
17 *ties” and inserting “Security”.*

18 (c) *SECURITY AND ACCOUNTABILITY FOR EVERY PORT*
19 *ACT OF 2006*.—*The Security and Accountability for Every*
20 *Port Act of 2006 (6 U.S.C. 901 et seq.) is amended—*

21 (1) *in section 1(b) (Public Law 109–347; 120*
22 *Stat 1884), by striking the item relating to section*
23 *502; and*

24 (2) *by striking section 502 (6 U.S.C. 592a).*

1 **SEC. 102. RULE OF CONSTRUCTION.**

2 *Nothing in this title or the amendments made by this*
 3 *title shall be construed to affect or diminish the authorities*
 4 *or responsibilities of the Under Secretary for Science and*
 5 *Technology.*

6 **TITLE II—OFFICE OF HEALTH**
 7 **SECURITY**

8 **SEC. 201. OFFICE OF HEALTH SECURITY.**

9 *(a) ESTABLISHMENT.—The Homeland Security Act of*
 10 *2002 (6 U.S.C. 101 et seq.) is amended—*

11 *(1) in section 103 (6 U.S.C. 113)—*

12 *(A) in subsection (a)(2)—*

13 *(i) by striking “the Assistant Secretary*
 14 *for Health Affairs,”; and*

15 *(ii) by striking “Affairs, or” and in-*
 16 *serting “Affairs or”; and*

17 *(B) in subsection (d), by adding at the end*
 18 *the following:*

19 *“(6) A Chief Medical Officer.”;*

20 *(2) by adding at the end the following:*

21 **“TITLE XXIII—OFFICE OF**
 22 **HEALTH SECURITY”;**

23 *(3) by redesignating section 1931 (6 U.S.C. 597)*
 24 *as section 2301 and transferring such section to ap-*
 25 *pear after the heading for title XXIII, as added by*
 26 *paragraph (2); and*

1 (4) *in section 2301, as so redesignated—*

2 (A) *in the section heading, by striking*

3 **“CHIEF MEDICAL OFFICER”** *and inserting*

4 **“OFFICE OF HEALTH SECURITY”**;

5 (B) *by striking subsections (a) and (b) and*

6 *inserting the following:*

7 “(a) *IN GENERAL.—There is established in the Depart-*

8 *ment an Office of Health Security.*

9 “(b) *HEAD OF OFFICE OF HEALTH SECURITY.—The*

10 *Office of Health Security shall be headed by a chief medical*

11 *officer, who shall—*

12 “(1) *be the Assistant Secretary for Health Secu-*

13 *rity and the Chief Medical Officer of the Department;*

14 “(2) *be a licensed physician possessing a dem-*

15 *onstrated ability in and knowledge of medicine and*

16 *public health;*

17 “(3) *be appointed by the President; and*

18 “(4) *report directly to the Secretary.”*;

19 (C) *in subsection (c)—*

20 (i) *in the matter preceding paragraph*

21 (1), *by striking “medical issues related to*

22 *natural disasters, acts of terrorism, and*

23 *other man-made disasters” and inserting*

24 *“oversight of all medical, public health, and*

1 *workforce health and safety matters of the*
2 *Department”;*

3 *(ii) in paragraph (1), by striking “,*
4 *the Administrator of the Federal Emergency*
5 *Management Agency, the Assistant Sec-*
6 *retary, and other Department officials” and*
7 *inserting “and all other Department offi-*
8 *cial”;*

9 *(iii) in paragraph (4), by striking*
10 *“and” at the end;*

11 *(iv) by redesignating paragraph (5) as*
12 *paragraph (13); and*

13 *(v) by inserting after paragraph (4)*
14 *the following:*

15 *“(5) overseeing all medical and public health ac-*
16 *tivities of the Department, including the delivery, ad-*
17 *visement, and oversight of direct patient care and the*
18 *organization, management, and staffing of component*
19 *operations that deliver direct patient care;*

20 *“(6) advising the head of each component of the*
21 *Department that delivers direct patient care regard-*
22 *ing the recruitment and appointment of a component*
23 *chief medical officer and deputy chief medical officer*
24 *or the employee who functions in the capacity of chief*
25 *medical officer and deputy chief medical officer;*

1 “(7) *advising the Secretary and the head of each*
2 *component of the Department that delivers direct pa-*
3 *tient care regarding knowledge and skill standards for*
4 *medical personnel and the assessment of that knowl-*
5 *edge and skill;*

6 “(8) *advising the Secretary and the head of each*
7 *component of the Department that delivers patient*
8 *care regarding the collection, storage, and oversight of*
9 *medical records;*

10 “(9) *with respect to any psychological health*
11 *counseling or assistance program of the Department,*
12 *including such a program of a law enforcement, oper-*
13 *ational, or support component of the Department, ad-*
14 *vising the head of each such component with such a*
15 *program regarding—*

16 “(A) *ensuring such program includes safe-*
17 *guards against adverse action, including auto-*
18 *matic referrals for a fitness for duty examina-*
19 *tion, by such component with respect to any em-*
20 *ployee solely because such employee self-identifies*
21 *a need for psychological health counseling or as-*
22 *sistance or receives such counseling or assistance;*

23 “(B) *increasing the availability and num-*
24 *ber of local psychological health professionals*

1 *with experience providing psychological support*
2 *services to personnel;*

3 “(C) *establishing a behavioral health cur-*
4 *riculum for employees at the beginning of their*
5 *careers to provide resources early regarding the*
6 *importance of psychological health;*

7 “(D) *establishing periodic management*
8 *training on crisis intervention and such compo-*
9 *nent’s psychological health counseling or assist-*
10 *ance program;*

11 “(E) *improving any associated existing em-*
12 *ployee peer support programs, including by mak-*
13 *ing additional training and resources available*
14 *for peer support personnel in the workplace*
15 *across such component;*

16 “(F) *developing and implementing a vol-*
17 *untary alcohol treatment program that includes*
18 *a safe harbor for employees who seek treatment;*

19 “(G) *including, when appropriate, collabo-*
20 *rating and partnering with key employee stake-*
21 *holders and, for those components with employees*
22 *with an exclusive representative, the exclusive*
23 *representative with respect to such a program;*

24 “(10) *in consultation with the Chief Information*
25 *Officer of the Department—*

1 “(A) identifying methods and technologies
2 for managing, updating, and overseeing patient
3 records; and

4 “(B) setting standards for technology used
5 by the components of the Department regarding
6 the collection, storage, and oversight of medical
7 records;

8 “(11) advising the Secretary and the head of
9 each component of the Department that delivers direct
10 patient care regarding contracts for the delivery of di-
11 rect patient care, other medical services, and medical
12 supplies;

13 “(12) coordinating with the Countering Weapons
14 of Mass Destruction Office and other components of
15 the Department as directed by the Secretary to en-
16 hance the ability of Federal, State, local, Tribal, and
17 territorial governments to prevent, detect, protect
18 against, and mitigate the health effects of chemical,
19 biological, radiological, and nuclear issues; and”;

20 (D) by adding at the end the following:

21 “(d) ASSISTANCE AND AGREEMENTS.—The Secretary,
22 acting through the Chief Medical Officer, in support of the
23 medical and public health activities of the Department,
24 may—

1 “(1) provide technical assistance, training, and
2 information and distribute funds through grants and
3 cooperative agreements to State, local, Tribal, and
4 territorial governments and nongovernmental organi-
5 zations;

6 “(2) enter into other transactions;

7 “(3) enter into agreements with other Federal
8 agencies; and

9 “(4) accept services from personnel of compo-
10 nents of the Department and other Federal agencies
11 on a reimbursable or nonreimbursable basis.

12 “(e) OFFICE OF HEALTH SECURITY PRIVACY OFFI-
13 CER.—There shall be a Privacy Officer in the Office of
14 Health Security with primary responsibility for privacy
15 policy and compliance within the Office, who shall—

16 “(1) report directly to the Chief Medical Officer;
17 and

18 “(2) ensure privacy protections are integrated
19 into all Office of Health Security activities, subject to
20 the review and approval of the Privacy Officer of the
21 Department to the extent consistent with the author-
22 ity of the Privacy Officer of the Department under
23 section 222.

24 “(f) ACCOUNTABILITY.—

1 “(1) *STRATEGY AND IMPLEMENTATION PLAN.*—
2 *Not later than 180 days after the date of enactment*
3 *of this section, and every 4 years thereafter, the Sec-*
4 *retary shall create a Departmentwide strategy and*
5 *implementation plan to address health threats.*

6 “(2) *BRIEFING.*—*Not later than 90 days after*
7 *the date of enactment of this section, the Secretary*
8 *shall brief the appropriate congressional committees*
9 *on the organizational transformations of the Office of*
10 *Health Security, including how best practices were*
11 *used in the creation of the Office of Health Security.”;*

12 (5) *by redesignating section 710 (6 U.S.C. 350)*
13 *as section 2302 and transferring such section to ap-*
14 *pear after section 2301, as so redesignated;*

15 (6) *in section 2302, as so redesignated—*

16 (A) *in the section heading, by striking*
17 *“MEDICAL SUPPORT” and inserting “SAFE-*
18 *TY”;*

19 (B) *in subsection (a), by striking “Under*
20 *Secretary for Management” each place that term*
21 *appears and inserting “Chief Medical Officer”;*
22 *and*

23 (C) *in subsection (b)—*

24 (i) *in the matter preceding paragraph*
25 (1), *by striking “Under Secretary for Man-*

1 agement, in coordination with the Chief
2 Medical Officer,” and inserting “Chief Med-
3 ical Officer”; and

4 (ii) in paragraph (3), by striking “as
5 deemed appropriate by the Under Sec-
6 retary,”;

7 (7) by redesignating section 528 (6 U.S.C. 321q)
8 as section 2303 and transferring such section to ap-
9 pear after section 2302, as so redesignated; and

10 (8) in section 2303(a), as so redesignated, by
11 striking “Assistant Secretary for the Countering
12 Weapons of Mass Destruction Office” and inserting
13 “Chief Medical Officer”.

14 (b) *TRANSITION AND TRANSFERS.*—

15 (1) *TRANSITION.*—The individual appointed
16 pursuant to section 1931 of the Homeland Security
17 Act of 2002 (6 U.S.C. 597) of the Department of
18 Homeland Security, as in effect on the day before the
19 date of enactment of this Act, and serving as the Chief
20 Medical Officer of the Department of Homeland Secu-
21 rity on the day before the date of enactment of this
22 Act, shall continue to serve as the Chief Medical Offi-
23 cer of the Department on and after the date of enact-
24 ment of this Act without the need for reappointment.

1 (2) *RULE OF CONSTRUCTION.*—*The rule of con-*
2 *struction described in section 2(hh) of the Presidential*
3 *Appointment Efficiency and Streamlining Act of*
4 *2011 (5 U.S.C. 3132 note) shall not apply to the*
5 *Chief Medical Officer of the Department of Homeland*
6 *Security, including the incumbent who holds the posi-*
7 *tion on the day before the date of enactment of this*
8 *Act, and such officer shall be paid pursuant to section*
9 *3132(a)(2) or 5315 of title 5, United States Code.*

10 (3) *TRANSFER.*—*The Secretary of Homeland Se-*
11 *curity shall transfer to the Chief Medical Officer of*
12 *the Department of Homeland Security—*

13 (A) *all functions, personnel, budget author-*
14 *ity, and assets of the Under Secretary for Man-*
15 *agement relating to workforce health and safety,*
16 *as in existence on the day before the date of en-*
17 *actment of this Act;*

18 (B) *all functions, personnel, budget author-*
19 *ity, and assets of the Assistant Secretary for the*
20 *Countering Weapons of Mass Destruction Office*
21 *relating to the Chief Medical Officer, including*
22 *the Medical Operations Directorate of the Coun-*
23 *tering Weapons of Mass Destruction Office, as in*
24 *existence on the day before the date of enactment*
25 *of this Act; and*

1 (C) all functions, personnel, budget author-
 2 ity, and assets of the Assistant Secretary for the
 3 Countering Weapons of Mass Destruction Office
 4 associated with the efforts pertaining to the pro-
 5 gram coordination activities relating to defend-
 6 ing the food, agriculture, and veterinary defenses
 7 of the Office, as in existence on the day before the
 8 date of enactment of this Act.

9 **SEC. 202. MEDICAL COUNTERMEASURES PROGRAM.**

10 *The Homeland Security Act of 2002 (6 U.S.C. 101 et*
 11 *seq.) is amended by redesignating section 1932 (6 U.S.C.*
 12 *597a) as section 2304 and transferring such section to ap-*
 13 *pear after section 2303, as so redesignated by section 201*
 14 *of this Act.*

15 **SEC. 203. CONFIDENTIALITY OF MEDICAL QUALITY ASSUR-**
 16 **ANCE RECORDS.**

17 *Title XXIII of the Homeland Security Act of 2002, as*
 18 *added by this Act, is amended by adding at the end the*
 19 *following:*

20 **“SEC. 2305. CONFIDENTIALITY OF MEDICAL QUALITY AS-**
 21 **SURANCE RECORDS.**

22 “(a) *DEFINITIONS.—In this section:*

23 “(1) *HEALTH CARE PROVIDER.—The term*
 24 *‘health care provider’ means an individual who—*

25 “(A) *is—*

1 “(i) an employee of the Department;

2 “(ii) a detailee to the Department from
3 another Federal agency;

4 “(iii) a personal services contractor of
5 the Department; or

6 “(iv) hired under a contract for serv-
7 ices;

8 “(B) performs health care services as part of
9 duties of the individual in that capacity; and

10 “(C) has a current, valid, and unrestricted
11 license or certification—

12 “(i) that is issued by a State, the Dis-
13 trict of Columbia, or a commonwealth, ter-
14 ritory, or possession of the United States;
15 and

16 “(ii) that is for the practice of medi-
17 cine, osteopathic medicine, dentistry, nurs-
18 ing, emergency medical services, or another
19 health profession.

20 “(2) *MEDICAL QUALITY ASSURANCE PROGRAM.*—

21 *The term ‘medical quality assurance program’ means*
22 *any activity carried out by the Department to assess*
23 *the quality of medical care, including activities con-*
24 *ducted by individuals, committees, or other review*
25 *bodies responsible for quality assurance, credentials,*

1 *infection control, incident reporting, the delivery, ad-*
2 *visement, and oversight of direct patient care and as-*
3 *essment (including treatment procedures, blood,*
4 *drugs, and therapeutics), medical records, health re-*
5 *sources management review, and identification and*
6 *prevention of medical, mental health, or dental inci-*
7 *dents and risks.*

8 “(3) *MEDICAL QUALITY ASSURANCE RECORD OF*
9 *THE DEPARTMENT.—The term ‘medical quality assur-*
10 *ance record of the Department’ means all informa-*
11 *tion, including the proceedings, records (including*
12 *patient records that the Department creates and*
13 *maintains as part of a system of records), minutes,*
14 *and reports that—*

15 “(A) *emanate from quality assurance pro-*
16 *gram activities described in paragraph (2); and*

17 “(B) *are produced or compiled by the De-*
18 *partment as part of a medical quality assurance*
19 *program.*

20 “(b) *CONFIDENTIALITY OF RECORDS.—A medical*
21 *quality assurance record of the Department that is created*
22 *as part of a medical quality assurance program—*

23 “(1) *is confidential and privileged; and*

24 “(2) *except as provided in subsection (d), may*
25 *not be disclosed to any person or entity.*

1 “(c) *PROHIBITION ON DISCLOSURE AND TESTI-*
2 *MONY.—Except as otherwise provided in this section—*

3 “(1) *no part of any medical quality assurance*
4 *record of the Department may be subject to discovery*
5 *or admitted into evidence in any judicial or adminis-*
6 *trative proceeding; and*

7 “(2) *an individual who reviews or creates a med-*
8 *ical quality assurance record of the Department or*
9 *who participates in any proceeding that reviews or*
10 *creates a medical quality assurance record of the De-*
11 *partment may not be permitted or required to testify*
12 *in any judicial or administrative proceeding with re-*
13 *spect to the record or with respect to any finding, rec-*
14 *ommendation, evaluation, opinion, or action taken by*
15 *that individual in connection with the record.*

16 “(d) *AUTHORIZED DISCLOSURE AND TESTIMONY.—*

17 “(1) *IN GENERAL.—Subject to paragraph (2), a*
18 *medical quality assurance record of the Department*
19 *may be disclosed, and a person described in sub-*
20 *section (c)(2) may give testimony in connection with*
21 *the record, only as follows:*

22 “(A) *To a Federal agency or private orga-*
23 *nization, if the medical quality assurance record*
24 *of the Department or testimony is needed by the*
25 *Federal agency or private organization to—*

1 “(i) perform licensing or accreditation
2 functions related to Department health care
3 facilities, a facility affiliated with the De-
4 partment, or any other location authorized
5 by the Secretary for the performance of
6 health care services; or

7 “(ii) perform monitoring, required by
8 law, of Department health care facilities, a
9 facility affiliated with the Department, or
10 any other location authorized by the Sec-
11 retary for the performance of health care
12 services.

13 “(B) To an administrative or judicial pro-
14 ceeding concerning an adverse action related to
15 the credentialing of or health care provided by a
16 present or former health care provider by the De-
17 partment.

18 “(C) To a governmental board or agency or
19 to a professional health care society or organiza-
20 tion, if the medical quality assurance record of
21 the Department or testimony is needed by the
22 board, agency, society, or organization to per-
23 form licensing, credentialing, or the monitoring
24 of professional standards with respect to any

1 *health care provider who is or was a health care*
2 *provider for the Department.*

3 “(D) *To a hospital, medical center, or other*
4 *institution that provides health care services, if*
5 *the medical quality assurance record of the De-*
6 *partment or testimony is needed by the institu-*
7 *tion to assess the professional qualifications of*
8 *any health care provider who is or was a health*
9 *care provider for the Department and who has*
10 *applied for or been granted authority or employ-*
11 *ment to provide health care services in or on be-*
12 *half of the institution.*

13 “(E) *To an employee, a detailee, or a con-*
14 *tractor of the Department who has a need for the*
15 *medical quality assurance record of the Depart-*
16 *ment or testimony to perform official duties or*
17 *duties within the scope of their contract.*

18 “(F) *To a criminal or civil law enforcement*
19 *agency or instrumentality charged under appli-*
20 *cable law with the protection of the public health*
21 *or safety, if a qualified representative of the*
22 *agency or instrumentality makes a written re-*
23 *quest that the medical quality assurance record*
24 *of the Department or testimony be provided for*
25 *a purpose authorized by law.*

1 “(G) *In an administrative or judicial pro-*
2 *ceeding commenced by a criminal or civil law*
3 *enforcement agency or instrumentality described*
4 *in subparagraph (F), but only with respect to*
5 *the subject of the proceeding.*

6 “(2) *PERSONALLY IDENTIFIABLE INFORMA-*
7 *TION.—*

8 “(A) *IN GENERAL.—With the exception of*
9 *the subject of a quality assurance action, person-*
10 *ally identifiable information of any person re-*
11 *ceiving health care services from the Department*
12 *or of any other person associated with the De-*
13 *partment for purposes of a medical quality as-*
14 *surance program that is disclosed in a medical*
15 *quality assurance record of the Department shall*
16 *be deleted from that record before any disclosure*
17 *of the record is made outside the Department.*

18 “(B) *APPLICATION.—The requirement under*
19 *subparagraph (A) shall not apply to the release*
20 *of information that is permissible under section*
21 *552a of title 5, United States Code (commonly*
22 *known as the ‘Privacy Act of 1974’).*

23 “(e) *DISCLOSURE FOR CERTAIN PURPOSES.—Nothing*
24 *in this section shall be construed—*

1 “(1) to authorize or require the withholding from
2 any person or entity aggregate statistical information
3 regarding the results of medical quality assurance
4 programs; or

5 “(2) to authorize the withholding of any medical
6 quality assurance record of the Department from a
7 committee of either House of Congress, any joint com-
8 mittee of Congress, or the Comptroller General of the
9 United States if the record pertains to any matter
10 within their respective jurisdictions.

11 “(f) *PROHIBITION ON DISCLOSURE OF INFORMATION,*
12 *RECORD, OR TESTIMONY.*—A person or entity having pos-
13 session of or access to a medical quality assurance record
14 of the Department or testimony described in this section
15 may not disclose the contents of the record or testimony in
16 any manner or for any purpose except as provided in this
17 section.

18 “(g) *EXEMPTION FROM FREEDOM OF INFORMATION*
19 *ACT.*—A medical quality assurance record of the Depart-
20 ment shall be exempt from disclosure under section
21 552(b)(3) of title 5, United States Code (commonly known
22 as the ‘Freedom of Information Act’).

23 “(h) *LIMITATION ON CIVIL LIABILITY.*—A person who
24 participates in the review or creation of, or provides infor-
25 mation to a person or body that reviews or creates, a med-

1 ical quality assurance record of the Department shall not
2 be civilly liable for that participation or for providing that
3 information if the participation or provision of information
4 was provided in good faith based on prevailing professional
5 standards at the time the medical quality assurance pro-
6 gram activity took place.

7 “(i) *APPLICATION TO INFORMATION IN CERTAIN*
8 *OTHER RECORDS.*—Nothing in this section shall be con-
9 strued as limiting access to the information in a record cre-
10 ated and maintained outside a medical quality assurance
11 program, including the medical record of a patient, on the
12 grounds that the information was presented during meet-
13 ings of a review body that are part of a medical quality
14 assurance program.

15 “(j) *PENALTY.*—Any person who willfully discloses a
16 medical quality assurance record of the Department other
17 than as provided in this section, knowing that the record
18 is a medical quality assurance record of the Department
19 shall be fined not more than \$3,000 in the case of a first
20 offense and not more than \$20,000 in the case of a subse-
21 quent offense.

22 “(k) *RELATIONSHIP TO COAST GUARD.*—The require-
23 ments of this section shall not apply to any medical quality
24 assurance record of the Department that is created by or

1 *for the Coast Guard as part of a medical quality assurance*
 2 *program.”.*

3 **SEC. 204. PORTABILITY OF LICENSURE.**

4 *(a) TRANSFER.—Section 16005 of the CARES Act (6*
 5 *U.S.C. 320 note) is redesignated as section 2306 of the*
 6 *Homeland Security Act of 2002 and transferred so as to*
 7 *appear after section 2305, as added by section 203 of this*
 8 *Act.*

9 *(b) REPEAL.—Section 2306 of the Homeland Security*
 10 *Act of 2002, as so redesignated by subsection (a), is amend-*
 11 *ed by striking subsection (c).*

12 **SEC. 205. TECHNICAL AND CONFORMING AMENDMENTS.**

13 *The Homeland Security Act of 2002 (6 U.S.C. 101 et*
 14 *seq.) is amended—*

15 *(1) in the table of contents in section 1(b) (Pub-*
 16 *lic Law 107–296; 116 Stat. 2135)—*

17 *(A) by striking the items relating to sections*
 18 *528 and 529 and inserting the following:*

“Sec. 528. Transfer of equipment during a public health emergency.”;

19 *(B) by striking the items relating to sections*
 20 *710, 711, 712, and 713 and inserting the fol-*
 21 *lowing:*

“Sec. 710. Employee engagement.

“Sec. 711. Annual employee award program.

“Sec. 712. Acquisition professional career program.”;

1 (C) by inserting after the item relating to
2 section 1928 the following:

“Sec. 1929. Accountability.”;

3 (D) by striking the items relating to subtitle
4 C of title XIX and sections 1931 and 1932; and
5 (E) by adding at the end the following:

“TITLE XXIII—OFFICE OF HEALTH SECURITY

“Sec. 2301. Office of Health Security.

“Sec. 2302. Workforce health and safety.

“Sec. 2303. Coordination of Department of Homeland Security efforts related to
 food, agriculture, and veterinary defense against terrorism.

“Sec. 2304. Medical countermeasures program.

“Sec. 2305. Confidentiality of medical quality assurance records.

“Sec. 2306. Portability of licensure.”;

6 (2) by redesignating section 529 (6 U.S.C. 321r)
7 as section 528;

8 (3) in section 704(e)(4) (6 U.S.C. 344(e)(4)), by
9 striking “section 711(a)” and inserting “section
10 710(a)”;

11 (4) by redesignating sections 711, 712, and 713
12 as sections 710, 711, and 712, respectively;

13 (5) in section 1923(b)(3) (6 U.S.C. 592(b)(3))—

14 (A) in the paragraph heading, by striking
15 “HAWAIIAN NATIVE-SERVING” and inserting
16 “NATIVE HAWAIIAN-SERVING”; and

17 (B) by striking “Hawaiian native-serving”
18 and inserting “Native Hawaiian-serving”;

19 (6) by striking the subtitle heading for subtitle C
20 of title XIX;

1 (7) *by striking section 1932 (6 U.S.C. 597a);*

2 *and*

3 (8) *in section 2306, as so redesignated by section*

4 *204 of this Act—*

5 (A) *by inserting “**PORTABILITY OF LI-***
6 ***CENSURE.**” after “2306.”; and*

7 (B) *in subsection (a), by striking “(a) Not-*
8 *withstanding” and inserting the following:*

9 “*(a) IN GENERAL.—Notwithstanding*”.

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2^D SESSION

S. 4465

[Report No. 117-276]

A BILL

To establish a Countering Weapons of Mass Destruction Office and an Office of Health Security in the Department of Homeland Security, and for other purposes.

DECEMBER 19, 2022

Reported with an amendment